

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:05CR178
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
ALFRED MCBRIDE,)	
)	
Defendant.)	

No motion has been filed requesting a reduction of sentence due to the retroactivity of the crack cocaine Guidelines. However, the U.S. Probation Office has looked into the matter and has concluded that since the defendant was given the statutory minimum sentence of 60 months, the retroactivity of the crack cocaine amendment Guidelines cannot be applied to provide the defendant with a reduction in his sentence. Therefore,

IT IS ORDERED that:

- (1) The motion to withdraw by the Federal Public Defender (filing 33) is granted.
- (2) The court determines that the defendant is not eligible for a reduction in his sentence due to the crack cocaine Guidelines.
- (3) The Clerk of the Court shall send a copy of this memorandum and order to the last known address of the defendant.

March 10, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge